THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.1729 OF 2000

14.3.2006

Between:

Syed Mazher Ahmed, S/o.Syed Azger Ahmed

… Petitioner

AND

The Secretary to the Government, Panchayat Raj Department,

Secretariat Buildings, Hyderabad

And others

… Respondents

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WRIT PETITION No.1729 OF 2000

ORDER:

The petitioner claims to be the owner and possessor of land admeasuring 1210 Sq.yards in survey No.326 of Peddapally village in Karimnagar District. He alleges that the third respondent filed an application on 23.9.1999 seeking construction permission from the second respondent Gram Panchayat. The petitioner filed objections. Even while the matter was under consideration, the third respondent started construction and raised twelve pillars. When the petitioner brought the same to the notice of the Gram Panchayat, the Gram Panchayat passed resolution to the effect that construction by third respondent is illegal and accordingly it was decided to direct the third respondent to dismantle unauthorized construction within three days. Even after expiry of the three days, the same was not implemented. Therefore, the present writ petition is filed.

The second respondent filed a counter affidavit stating that the Gram Panchayat has issued notice for removing the constructions and that aggrieved by the same, the third respondent filed revision petition before the Government and obtained orders keeping the Gram Panchayat resolution in abeyance by reason of the Memo No.44851/Pts.IV/A2/99-1 dated 24.12.1999 and hence action could not be taken.

After hearing the learned Counsel for the petitioner and learned Standing Counsel for the second respondent Gram Panchayat, this Court is of considered opinion that as the third respondent has approached the Government by way of a revision petition, the Gram Panchayat could not take action. Indeed, the letter dated 17.1.2000 issued by the Executive Officer to the third respondent is to the effect that even when the revision petition filed by the third respondent is pending before the Government, he raised unauthorized constructions. Therefore, it would be proper for this Court to direct the second respondent to take action against the third respondent regarding unauthorized construction subject to any orders that may be passed by the Government in the revision petition.

The writ petition, with the above observations and direction, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

March 14, 2006

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